IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3315 OF 2004

Ashok Bhika Kakulte & Ors. .. Applicants.
Vs.
State of Maharashtra .. Respondent.

Mr.P.K.Dhakepalkar for the applicants.
Mr.R.Y.Mirza APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 24TH AUGUST, 2004

P.C.:

. Heard Mr.Dhakepalkar, learned counsel for the applicants and Mr.Mirza, learned A.P.P. for the respondent.

2. The applicants have approached this court for being released on bail in C.R.No.I-6/2004 registered with Satana police station mainly under section 302 read with 34 of Indian Penal Code. The applicants and two others are alleged to have committed murder of deceased - Kedubai and her daughter - Geetanjali. Applicant No.1 is the husband of deceased - Kedubai. It is the prosecution case that in the intervening night of 5.1.2004 and 6.1.2004, applicant no.1 assaulted

deceased - Kedubai and when Geetanjali tried to intervene she was also assaulted. The alleged beating was witnessed by Nilesh, son of the deceased. He has stated in his statement recorded on 7.1.2004 that next day morning, when he woke up, the deceased and the applicant were not at home. Thereafter, their dead bodies were found in the well. Applicant nos.2 and 3 and two other accused, were arraigned as accused in view of the statement of Nilesh recorded on 17.1.2004 in which he has stated that he saw the accused carrying the deceased in the morning. I have read statement of Nilesh and post mortem notes placed before me. Keeping that in view and considering the nature of allegations against applicant nos.2 and 3 I am inclined to enlarge them on bail. In so far as applicant no.1 is concerned, Mr.Dhakepalkar, learned counsel for the applicants, at this stage, submits that he is not pressing his application and he may be given liberty to apply for bail afresh before the Sessions Court as and when the report of viscera and opinion as to cause of death is received. In view of this, the application of applicant no.1 is rejected as not pressed with liberty as prayed for.

. Applicant nos.2 and 3 are directed to be enlarged on bail on their furnishing a personal bond of Rs.10,000/- each with one or two sureties of the like amount to the satisfaction of the trial court, subject to condition that they shall report the concerned police station on every alternate Saturday between 10 am and 11 am for a period of four months and thereafter on the first Saturday of every month between 10 am and 11 am until the conclusion of their trial.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)